

South Suburban Mayors and Managers Association Brownfield Prevention Program



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All Pilots Meeting



South Suburban Chicago Brownfield Coalition EPA Pilot Project

Objectives:

- Create a comprehensive Brownfield inventory
- Identify & characterize promising sites for redevelopment planning
- Involve community representatives in redevelopment planning
- Leverage public funding sources
- Create Brownfields prevention program



Approach to Brownfield Prevention

- Brownfield Prevention= Pollution Prevention
- Utilize Available data on hazardous substances in each community
- Prepare Model Brownfield Prevention Ordinance

USING AVAILABLE DATA





Toxic Release Inventory

TRI is a database of information about releases and transfers of toxic chemicals from manufacturing facilities. The TRI chemical list consists of 582 separate chemicals and 30 chemical categories. Data is currently available from 1987 to 1999.



Biennial Reporting System

BRS tracks the generation, shipment, and receipt of hazardous waste as defined by the Resource Conservation Recovery Act (RCRA). This system captures detailed data on the generation of hazardous waste from large quantity generators and data on waste management practices from treatment, storage, and disposal facilities. 1997 data is currently available.



Emergency Reporting Notification System

The ERNS database is a record of phone calls made to the National Response Center (NRC) concerning spills or releases of toxic substances, including oil spills. The ERNS database has information for reporting years 1989 to 1997.



US EPA Risk Management Plan

Owners or operators of a stationary source with more than a threshold quantity of a regulation toxic and/or flammable substance are required to submit a risk management plan. The plan contains three elements: a hazard assessment, a prevention program, and an emergency response program.



Leaking Underground Storage Tanks

The Illinois Environmental Protection Agency LUST database identifies the status of all Illinois LUST incidents reported to the Illinois Emergency Management Agency (IEMA) and to the Illinois EPA. The LUST database is updated periodically as incidents are reported.



Site Remediation Plan

The Illinois EPA SRP database identifies the status of all voluntary remediation projects administered through the pre-notice Site Cleanup Program (1989 to 1995) and the SRP (1996 to present).

Example Summary Table: South Chicago Heights

Facility	U.S. EPA Toxic Release Inventory (by compound) (1)	U.S. EPA Toxic Release Inventory (by Standard Industrial Code) (2)	U.S. EPA Biennial Reporting System (3)	Emergency Response Notification System (4)	Illinois EPA Leaking Underground Storage Tank Database (5)	Illinois EPA Site Remediation Program (6)	U.S. EPA Risk Management Planning
ALLIED STRUCTURAL STEEL CO			✓				Data Not Available
AMERICAN SAB & FORGE					✓		
BLOOM TOWNSHIP HIGH SCHOOL DIST 206					✓		
BLOOM TRAIL HIGH SCHOOL DIST 205					✓		
CARAVELLE WOOD	✓				✓		
EARL'S APPLIANCE					✓		
ILLINOIS DEPT OF TRANSPORTATION					✓		
MARIAS INDUSTRIES						✓	
OLYMPIA INVESTMENTS					✓		
THRALL CAR MFG. CO.	✓	✓	✓		✓		
TRINITY IND. INC PLANT	✓				✓		
UNITED COATINGS INC.	✓						
3M AUTO SERVICE					✓		

MODEL BROWNFIELD ORDINANCE





Goals

- To create an incentive for companies that handle hazardous & toxic substances to develop and implement meaningful pollution prevention programs.
- Provide financial ability for communities to respond to brownfield problems from companies that close, file for bankruptcy, or that abandon their properties.



Ordinance References:

- City of North Chicago Hazardous Substances Management
- Village of Posen Hazardous Materials Release
- Arizona state law, Arizona Revised Statutes 49-961 – Pollution Prevention Program
- 1990 Minnesota Toxic Pollution Prevention Act
- Hazardous Waste Reduction Act of Washington
- Illinois Environmental Protection Act
- Humboldt County, Iowa Hog Farming Pollution Prevention Ordinance



Ordinance Components:

- Increase business license fee for companies that handle hazardous materials or substances.
- Reduce fees if a pollution prevention plan is developed.
- Requires proof of pollution insurance.



Brownfield Prevention Fees

- Any owner or operator who applies for a new or renewed business license in [municipality] shall submit a pollution prevention plan plus an annual \$1,000 brownfield prevention fee. In lieu of submitting a pollution prevention plan, the owner operator may choose to pay fees:
- \$500 per hazardous material or substance per facility that is used, handled, or stored in quantities between 2,200 lbs and 10,000 lbs.



Brownfield Prevention Fees

Continued

- \$2,000 if the toxic pollutant release volume per facility for the most recent reporting year is between 10,000 lbs. and 25,000 lbs.
- \$2,000 plus \$.10 per each additional pound if the toxic pollutant release volume per facility for the most recent reporting year is greater than 25,000 lbs.
- \$2,000 per facility that generates more than 2,200 lbs. of hazardous waste per month but that is not subject to the fees above.



Pollution Prevention Requirements

Owners or operators submitting pollution plans must include the following specific elements.

- Written policy demonstrating management and corporate support for the pollution prevention plan and a commitment to implement the planned activities and achieve the established goals.
- A list of hazardous substances and hazardous materials handled at each facility and a map and floor plan of where such hazardous substances and materials are handled.



Pollution Prevention Requirements Continued

- A description of the objectives and pollution prevention targets.
- An update of pollution prevention activities implemented and progress made toward the prior year's targets.
- A description of activities planned for the current year.
- An implementation schedule.
- The plan must be submitted by [date] each year to [municipality] where it will be made available for public review.



Proof of Insurance

- An owner or operator who uses more than 25,000 pounds per year of substances listed on TRI must provide proof of adequate pollution insurance when applying for a new or renewed business license. The policy must provide:
- The policy must have the equivalent effect of a general liability policy that “buys back” pollution insurance coverage that would be excluded under the 1992 Insurance Services Office commercial general liability insurance form.



Proof of Insurance Continued

- The policy must be effective prior to the application of a new or renewed business license.
- The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium.
- In lieu of an insurance policy, the owner and operator may submit evidence of self-insurance.



Other Aspects of Brownfield Program

- Fly Dumping
- Bulk Waste



Final Brownfield Prevention Program Document

Contents:

- Explanation of differentiation of roles of government.
- List of technical assistance providers in Chicagoland.
- Explanation of data resources
- Model Ordinance
- Sample data runs